

John A. Bennett, OSB #750407
E-mail: john.bennett@bullivant.com
Stuart D. Jones, OSB #842568
E-mail: stuart.jones@bullivant.com
BULLIVANT HOUSER BAILEY PC
300 Pioneer Tower
888 SW Fifth Avenue
Portland, Oregon 97204-2089
Telephone: 503.228.6351
Facsimile: 503.295.0915
Attorneys for The Ohio Casualty Insurance
Company

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

WINCHESTER BAY FISHERIES, LLC, an
Oregon Limited Liability Company,

Plaintiff,

v.

THE OHIO CASUALTY INSURANCE
COMPANY dba LIBERTY MUTUAL
INSURANCE,

Defendant.

Civil No.: _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to U.S.C. § 1332, 28 U.S.C. § 1441(b), and 28 U.S.C. § 1446, The Ohio Casualty Insurance Company filed this Notice of Removal on the following grounds:

1. The Ohio Casualty Insurance Company is named in a civil action filed in the Circuit Court for the State of Oregon for the County of Douglas (the “State Court Action”),

Bullivant|Houser|Bailey PC

300 Pioneer Tower
888 SW Fifth Avenue
Portland, Oregon 97204-2089
Telephone: 503.228.6351

NOTICE OF REMOVAL

Page 1

entitled *Winchester Bay Fisheries, LLC v. Liberty Mutual Insurance*, Oregon Circuit Court (Douglas County) Case No. 17CV50606.

2. The State Court Action commenced when Plaintiff's Complaint was filed with the Court Clerk of Douglas County, Oregon on or about November 21, 2017.

3. Plaintiff delivered a Summons and a copy of the Complaint to the registered agent for The Ohio Casualty Insurance Company on December 4, 2017.

4. Plaintiff filed an Amended Complaint on December 22, 2017.

5. As indicated in the December 22, 2017 Declaration of Robert Chasse marked as Exhibit 1 and filed herewith, The Ohio Casualty Insurance Company is a corporation in the Liberty Mutual group of insurance companies that is permitted to transact insurance business in the State of Oregon.

6. The removal of this case is timely, in that this Notice of Removal is being filed within 30 days of the service of the Summons and Complaint.

7. The following are true copies of all of the process, pleadings, and orders received in this action to date:

Summons	Exhibit 2 (page 1);
Complaint (without Exhibit 1)	Exhibit 2 (pages 2-8); and
Amended Complaint (with Exhibit 1)	Exhibit 3.

8. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1446 (b).

9. Complete diversity exists. This is a controversy between businesses that are incorporated in different states with their respective principal places of business in different

states.

10. Plaintiff Winchester Bay Fisheries, LLC is an Oregon limited liability company with its principal place of business in the State of Oregon.

11. The Ohio Casualty Insurance Company was incorporated in the State of New Hampshire, and its principal place of business is in Boston, Massachusetts.

12. In the above-entitled civil action, Plaintiff Winchester Bay Fisheries, LLC alleges breach of an insurance contract, policy number BKO (17) 572205831, for amounts allegedly owed as property damage and business income losses.

13. The insurance contract, BKO (17) 572205831, identified in and appended as Exhibit 1 to Plaintiff's Amended Complaint was issued by The Ohio Casualty Insurance Company.

14. The amount in controversy in this matter exceeds \$75,000, exclusive of interests and costs.

15. In the first claim for relief of the Complaint, Plaintiff Winchester Bay Fisheries, LLC seeks an award of economic damages for breach of contract in the amount of \$99,262.89, an unspecified amount of costs and disbursements, together with statutory interest at the rate of nine percent (9%) per annum.

16. In a second claim for relief alleged in the alternative to the first claim for relief of the Complaint, Plaintiff Winchester Bay Fisheries, LLC seeks a judicial declaration that there is coverage for the alleged property damages, loss of business income and extended business loss expenses in an amount not less than \$99,262.89.

17. Subject to a reservation of all of its defenses, The Ohio Casualty Insurance

Company is concurrently filing a Notice of Removal to the Federal Court with the Clerk of Douglas County Circuit Court in accordance with 28 U.S.C. § 1446(d).

DATED: January 3, 2018

BULLIVANT HOUSER BAILEY PC

By /s/ Stuart D. Jones

John A. Bennett, OSB #750407

Stuart D. Jones, OSB #842568

Telephone: 503.228.6351

Attorneys for The Ohio Casualty Insurance
Company

4818-2157-9608.1 00171/00065

Bullivant|Houser|Bailey PC

300 Pioneer Tower
888 SW Fifth Avenue
Portland, Oregon 97204-2089
Telephone: 503.228.6351

NOTICE OF REMOVAL

Page 4